

UT-Battelle to Dr. Patricia Dehmer, then Associate Director of Basic Energy Sciences for DOE. That document remains in the possession of DOE. No other document responsive to the Plaintiff's FOIA request was in the possession of DOE at the time the FOIA request was filed, or has been in the possession of DOE at any later time.

As this Court has ordered that the "subject report" be submitted for in camera review,² DOE will provide the copy of the draft report which was e-mailed to Dr. Dehmer for *in camera* review with its summary judgment motion.

Respectfully submitted,
UNITED STATES OF AMERICA
By its attorneys,
CARMEN M. ORTIZ
United States Attorney

By: /s/ Mark Grady
MARK GRADY
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Dated: March 31, 2010

CERTIFICATE OF SERVICE

I, Mark Grady, Assistant U.S. Attorney, hereby certify that the foregoing Status Report was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Mark Grady
MARK GRADY
Assistant United States Attorney

Dated: March 31, 2010

²As no transcript exists of the status conference, the government re-iterates its objection to the court's order for *in camera* production herein so as to make a written record of its objection.